

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Serial No. 85/094,790,
 For the mark DR. AMLIN and design,

AMYLIN Pharmaceuticals, Inc.,

Opposer

vs.

Amlin Health, LLC,

Applicant

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Opposition No. 91199018

**REQUEST FOR EXTENSION OF TIME 60 DAYS AND MOTION
 TO REOPEN TIME FOR SERVING INITIAL DISCLOSURES**

Amlin Health, LLC ("Applicant") respectfully requests the Board approve Applicant's request to extend and reopen the deadlines in this matter by 60 days from December 9, 2011 because:

1---- Applicant has been sick and discomfort with severe symptoms including headache, running nose, nasal swelling, voice change, lost voice, sore throat/irritation (cold and sinusitis), red eyes with blurry vision, vision decreased, eye secretions, tears, (conjunctivitis), sputum increased, cough, chest pain (tracheitis), Applicant has purchased some medications from local CVS drug store twice after he returned to the U.S. early morning on November 30, 2011. Applicant is not able to work properly (i.e. reading, typing...) until today (December 7, 2011).

2----Applicant was out of the country between September 10 and November 30, 2011 when the Board issued October 28, 2011 Order, plus, the Applicant was not able to correspond while in abroad.

3----Applicant went to abroad for professional business and for living without Applicant's control.

Applicant did not want to spend a big money on the road rather staying at home.

4----Because of these health factors and out of the country, Applicant is not able to respond to the Board and Opposer with its required disclosures by December 8, 2011.

5----Moreover, Applicant has made a good faith effort to communicate with Opposer via emails in order to



12-08-2011

resolve the issue with Opposer although Applicant was in abroad (attached at Exhibit A and B). Indeed, this case hurt Applicant's small business. Applicant does not want this case bother and hurt his business anymore and hopes to move the case forward. Applicant has not abuse the privilege of extensions.

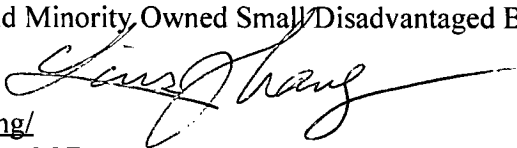
6---Applicant has repeatedly told Opposer that he will handle this issue in a timely manner (went to abroad is an exceptional case) . Opposer appeared to raise the issue with the Board and filed a Motion for Discovery Sanctions, which needlessly involve the Board, it's time and resources at this time. Applicant will follow the rules that the Board sets.

All of above reasons are totally different from what Opposer's words such as: Applicant failed to comply with the Board's October 28, 2011 Order... , Applicant's pattern of ignoring deadline..., violations of the order..., Applicant disregarded it's duty and the Board's order... went to abroad is excuse and so on.... It is very clear that opposer does not respect above facts and apparently ignored it.

Even though Applicant is still sick today and difficult to work properly, he has made a good faith effort to complete this document. Based on above facts and situations, Applicant requests the Board to approve the Extension of Time 60 days.

WHEREFORE, Applicant prays that the Board will kindly consider and approve Applicant's request for 60 days Extension of Time and Motion to Reopen Time for Serving Initial Disclosures.

Respectfully submitted this 7th day of December, 2011.
Amlin Health, LLC
(Woman and Minority Owned Small Disadvantaged Business)


/Linus Zhang/
Linus Zhang, M.D.
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Applicant

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Opposer	:	
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vs.	:	Opposition No. 91199018
	:	
Amlin Health, LLC,	:	
	:	
Applicant	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 7th day of December, 2011, to be serviced, via mail and electronic mail, upon:

Jennifer Fraser
Connolly Bove Lodge & Hutz LLP, Ste. 100
1875 Eye St. NW , Washington DC 200006
Jennifer Fraser <JFraser@cblh.com>

/Linus Zhang/
Linus Zhang

EXHIBIT A

From: Linus Zhang
Subject: Re: Amylin Pharmaceuticals, Inc. v. Amilin Health, LLC; Trademark Opp. No. 91199018
Date: November 18, 2011 8:35:52 AM EST
To: Jennifer Fraser
Cc: Breanne M. Staley, cheryl.goodman@uspto.gov, amilinhealth@gmail.com

Dear Jennifer:

I have been out of the country until the end of this month. I think you must have received the email I sent to you on 11/5/2011 (please see the email below). Let's discuss this matter after I return to the states.

Regards,

Linus Zhang, M.D.
Amilin Health, LLC

-----Original Message-----

From: amilinhealth@gmail.com
Sent: 11/5/2011 12:47:59 AM
To: ESTTA <ESTTA@USPTO.GOV>
Cc: 'BStaley@cbih.com' <BStaley@cbih.com>; 'JFraser@cbih.com' <JFraser@cbih.com>; USPTO Info <uspto/info@uspto.gov>; Linus Zhang <amilinhealth@gmail.com>
Subject: Re: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91199018

Attention to: CHERYL S GOODMAN and Jennifer Fraser (I have difficulty to locate Cheryl's email address from overseas, I just respond you this way).
Hello, I am out of the country at this point, so I have limited access to my email. By the way, I have to request to HOLD the case process until I return in the end of November.

Thank you very much for your understanding.
Regards,
Linus Zhang, M.D.
Amilin Health LLC

EXHIBIT B

From: Linus Zhang
Subject: Re: Amylin Pharmaceuticals, Inc. v. Amlin Health, LLC; Trademark Opp. No. 91199018
Date: November 21, 2011 11:16:16 AM EST
To: Jennifer Fraser, cheryl.goodman@uspto.gov
Cc: amlinhealth@gmail.com
1 Attachment, 32.8 KB

Dear Jennifer:

I have limited access to the Internet/email system in overseas. What I mean here for the term "this matter" is same as you said below: **discuss this matter**, which means talk about **this matter=this issue** (these are the terms you used)=the Trademark Opp. No. 91199018. I am sure you will not have any confusion and difficulty to understand about these terms you used.

I had made my best effort before I left the states. As I already told you earlier that I was out of the country (since Sep. 10, 2011) so I have no way to do anything related to this matter in overseas. I will try my best to complete the documents you request. I hope to start to discussing this case with you after I return to the states from November 30, 2011, hopefully, you may receive it before the new extended date: Extended Time for 90 Days approved by the board. Please understand these situations.

I am not able to open the file (damaged file) sent by B. Staley on 11/19/2011: copy of Opposer's Second Motion to Compel... Please see the attached file for detail.

If you have any other questions please let me know.

Regards,

Linus Zhang, M.D.
Amlin Health, LLC
451 Hungerford Drive
Suite 119-132
Rockville, MD 20850

The file "Second Motion to Compel and For Discovery Sanctions.pdf" could not be opened.

It may be damaged or use a file format that Preview doesn't recognize.

OK